

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12480 of Eugene T. Austin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy (Sub-section 3303.1) and open court (Sub-section 3306.1) requirements to permit a rear addition to a row dwelling in the R-4 District at the premises 1112 Park Street, N.E. (Square 987, lot 12).

HEARING DATE: October 25, 1977

DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The property is located at 1112 Park Street, N.E., also described as 1112 Park Place, N.E. and is in an R-4 District.

2. The subject lot is 14.02 feet by 100 feet containing 1,402 square feet and is improved with a two story, single family row dwelling.

3. Applicant seeks the Board's permission for a rear addition to the subject premises which requires a lot occupancy variance of 42.07 square feet and an open court variance of 2.48 feet. The rear addition is in existence as is a two story trellis. The applicant seeks the Board's approval to retain the balcony addition and take down the trellis.

4. The applicant testified that in May, 1976 he purchased the subject premises with the understanding that the rear addition was constructed in full compliance with the D.C. building code requirements. This was not so. A building permit was subsequently issued approving the addition contingent upon the erection of a two story trellis which technically extended both the addition and the existing structure to the west side property line, thereby eliminating the open court violation, and the removal of the rear balcony of the addition which exceeds the lot occupancy limitation. The applicant then filed with the BZA for the subject variances.

5. Applicant's neighbor at 1110 Park Street, N.E. had no objection to the courtyard variance since he objected to the trellis. Said neighbor objected to the variance for the balcony of the second story addition. With the balcony extension applicant's dwelling projects fourteen feet further back on the lot than the neighbor's dwelling.

6. The applicant's other adjoining neighbor approved the variances but only since it was an after-the-fact application. He would have opposed the application had approved been requested prior to construction.

7. The Capitol Hill Restoration Society approved the application in view of the exceptional practical difficulties and undue hardship which would result were the applicant required to essentially raze portions of his home and rebuild it.

8. ANC - 6A made no recommendation on this application.

CONCLUSIONS OF LAW:

The variances sought in this application are area variances the granting of which requires the showing of a practical difficulty. The Board finds that the lot is a narrow lot. To enforce the open court width requirements of a six foot wide open court would result in the practical difficulty of having almost unusably narrow rooms.

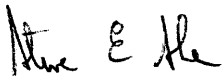
The lot occupancy variance of three per cent is a minimum variance and to require strict adherence to the Regulations would impose a hardship upon the owner were he to have to modify a structure which is already completed and which he apparently purchased in good faith.

The Board concludes that the variances can be granted and the trellis dismantled without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to grant, Walter B. Lewis not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 NOV 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.